

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 89

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIRKTON.

6530L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 2, 5, 7, 9, 10, and 45 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to congressional and legislative redistricting.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2, 5, 7, 9, 10, and 45, article III, Constitution of Missouri, are repealed and one new section adopted in lieu thereof, to be known as section 3, to read as follows:

Section 3. 1. This section shall be known as the "Fair and Transparent Redistricting Act".

2. The house of representatives shall consist of one hundred sixty-three members elected at each general election. The senate shall consist of thirty-four members elected for four years.

3. (1) There shall be established a state demographer as provided by law. The demographer shall acquire appropriate information to develop procedures in preparation for drawing legislative redistricting plans on the basis of each federal census. Within sixty days after the population of this state is reported to the President for each decennial census of the United States, the demographer shall obtain from the United States bureau of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 census information regarding geographic and political units in this state for which federal
12 census population data has been gathered and will be tabulated. The demographer shall
13 use the data so obtained to:

14 (a) Prepare necessary descriptions of geographic and political units for which
15 census data will be reported, and which are suitable for use as components of legislative
16 districts; and

17 (b) Prepare maps of counties, cities, and other geographic units within the state,
18 which may be used to illustrate the locations of legislative district boundaries proposed in
19 plans drawn in accordance with this section. As soon as possible after January first of each
20 year after 2021 ending in one, the demographer shall obtain from the United States bureau
21 of the census the population data needed for legislative districting which the census bureau
22 is required to provide this state under United States Pub. L. 94-171, and shall use that data
23 to assign a population figure based upon certified federal census data to each geographic
24 or political unit described under paragraph (a) of this subdivision. Upon completing that
25 task, the demographer shall begin the preparation of legislative districting plans. Not later
26 than eight months after obtaining the population data from the census bureau, the state
27 demographic and statistical unit shall deliver to the Appellate Apportionment Commission
28 a plan of legislative redistricting prepared in accordance with this section.

29 (2) The Appellate Apportionment Commission shall consist of six members
30 appointed from among the judges of the appellate courts of the state of Missouri by the
31 state supreme court, a majority of whom shall sign and file the plan of legislative
32 redistricting prepared by the state demographer with the Secretary of State. The
33 commission shall certify that the plan is in compliance with subsections 5, 6, 7, 9, and 10
34 of this section within thirty days of receiving the plan from the state demographer. If the
35 plan is rejected by the commission, the state demographer shall prepare a new plan within
36 sixty days of the rejection. No more than three plans may be submitted to the commission.

37 (3) All meetings of the appellate apportionment commission created under this
38 section, including executive meetings, shall be open to the public and such commissions
39 shall be considered a public governmental body for purposes of, and subject to, any
40 general law concerning public meetings and public records.

41 4. Legislative districts shall be established so that the population of each district
42 shall, as nearly as possible, equal that figure determined by dividing the number of
43 districts to be established into the population of the state reported in the federal decennial
44 census.

45 5. No district shall be drawn for the purpose of favoring an incumbent legislator
46 or other person. In establishing districts, no use shall be made of any of the following data:

47 **(1) Addresses of incumbent legislators or any person;**

48 **(2) Demographic information, other than population head counts, except as**
49 **required by the Constitution and the laws of the United States.**

50 **6. To the extent consistent with subsection 5 of this section, district boundaries shall**
51 **coincide with the boundaries of political subdivisions of the state. The number of counties**
52 **and cities divided among more than one district shall be as small as possible. When there**
53 **is a choice between dividing local political subdivisions, the more populous subdivisions**
54 **shall be divided before the less populous, but this preference shall not apply to a legislative**
55 **district boundary drawn along a county line which passes through a city that lies in more**
56 **than one county.**

57 **7. Districts shall be composed of convenient contiguous territory. Areas which meet**
58 **only at the points of adjoining corners shall not be considered contiguous.**

59 **8. Preference shall be that districts are compact in form, but the standards**
60 **established by subsections 5, 6, 7, 9, and 10 of this section take precedence over**
61 **compactness where a conflict arises between compactness and these standards.**

62 **9. (1) The state demographer, by the first day of April in a year ending in the**
63 **numeral one, shall do all of the following:**

64 **(a) Gather and make available to the public, in a form that facilitates data analysis**
65 **and the drawing of legislative districts:**

66 **a. Thorough and accurate census data; and**

67 **b. Information detailing the boundaries of political subdivisions and election voting**
68 **districts;**

69 **(b) Establish and make public the statewide partisan index, which shall be**
70 **calculated as follows:**

71 **a. Using the results of all Missouri statewide state or federal elections in the ten**
72 **years immediately preceding the year of an apportionment, the state demographer shall**
73 **determine the three elections that had the smallest percentage margin between the highest**
74 **and second highest nominees of a political party. If in any of the three elections the**
75 **percentages of the two highest nominees of political parties do not equal one hundred per**
76 **cent, the remaining percentage for that election shall be attributed to the parties of the two**
77 **highest nominees in the ratio of the percentages received by those nominees;**

78 **b. The state demographer then shall add together the percentage of the vote**
79 **received by the candidates with the same political party affiliation for each of the three**
80 **elections described in subparagraph a. of paragraph (b) of subdivision (1) of this**
81 **subsection and divide each of those totals by three to establish the statewide partisan index**
82 **for those political parties;**

83 (c) Establish and make public the partisan index of each voting district. To
84 establish the voting district partisan index for each voting district in the state, the state
85 demographer shall add together the percentage of the vote received in that voting district
86 by the political party nominees described in subparagraph a. of paragraph (b) of
87 subdivision (1) of this subsection. If in any of the three elections the percentages of those
88 nominees do not equal one hundred per cent, the remaining percentage for those nominees
89 in those elections shall be attributed to the parties of those nominees in the ratio of the
90 percentages received by those nominees. The state demographer shall then divide the
91 percentage totals by three to establish the voting district partisan index for each political
92 party in each voting district in the state.

93 (2) The state demographer shall also provide to the apportionment commission, and
94 make public, any additional data or election information the apportionment commission
95 requests in the form requested.

96 10. (1) District boundaries for legislative redistricting plans shall be established in
97 accordance with the provisions of this section.

98 (2) Any resident of Missouri may submit one proposed house of representative
99 district map, one proposed senate district map, and one proposed Congressional district
100 map in the manner prescribed by the state demographer. Submissions must be made
101 before the first day of June in a year ending in the numeral one. Plans shall be kept
102 confidential by the state demographer until the deadline for plan submission, at which time
103 all properly submitted plans shall be made public.

104 (3) (a) a. Proposed maps shall, to the greatest extent possible, contain the number
105 of house of representatives districts, senate districts, and Congressional districts that favor
106 each political party represented in the state partisan index in the ratio reflected by that
107 index.

108 b. No house of representatives district map may be adopted that fails to include the
109 number of districts favoring each political party in the ratio reflected by the state partisan
110 index.

111 c. No senate district map may be adopted that fails to include the number of
112 districts favoring each political party in the ratio reflected by the state partisan index
113 unless doing so is impossible, in which case the only senate map that may be adopted by
114 the apportionment board is one that includes the number of districts favoring each political
115 party in a ratio as close to that reflected by the state partisan index as is possible.

116 d. No Congressional district map may be adopted that fails to include the number
117 of districts favoring each political party in the ratio reflected by the state partisan index.

118 (b) a. For the purpose of evaluating proposed maps, the district partisan index
119 shall be calculated for each proposed district in each map submitted in the competition that
120 meets the requirements of paragraph (a) of this subdivision.

121 b. The district partisan index shall be calculated by first adding together, for each
122 of the elections represented in the calculation of the statewide partisan index, the number
123 of votes cast in each voting district in a proposed district for the nominees of each of the
124 political parties in those elections. The district-wide vote totals for the nominee of each
125 party in each of the three elections shall be used to determine the district partisan ratio for
126 each of those three elections by determining, from all votes cast for either such party in
127 each election, the percentage of votes cast for the nominee of each party in each election.
128 The average of those three percentages for each party will establish the district partisan
129 index for each party in each proposed district.

130 (4) In evaluating proposed maps, the apportionment commission shall determine
131 the extent to which the district partisan index of each proposed house of representatives
132 district and each proposed senate district varies from the statewide partisan index. In
133 particular, for each map, the board shall determine the number of districts in which the
134 district partisan index varies from the state partisan index by:

135 (a) Less than one per cent;

136 (b) An amount equal to or greater than one per cent and less than three per cent;

137 (c) An amount equal to or greater than three per cent and less than five per cent;

138 (d) An amount equal to or greater than five per cent and less than ten per cent; and

139 (e) An amount equal to or greater than ten per cent.

140 (5) Any map, with respect to the categories set forth in paragraphs (b) to (e) of
141 subdivision (4) of this subsection, that has an equal number of proposed districts in which
142 the district partisan index favors each political party which is represented in the state
143 partisan index in each of those categories will be deemed a better map than one which has
144 an unequal number of proposed districts in which the district partisan index favors each
145 political party in each of those categories.

146 (6) If two or more maps are presented that equally meet the criteria set forth in
147 subdivision (5) of this subsection, any map with a greater number of proposed districts in
148 which the district partisan indices are between forty-nine per cent and fifty-one per cent
149 will be preferred over other such maps.

150 (7) If no map is presented that meets the criteria set forth in subdivision (5) of this
151 subsection, or if two or more maps equally meet the criteria set forth in subdivision (6) of
152 this subsection, the map with closest to an equal number of proposed districts in which the
153 district partisan index favors each political party in each of the categories set forth in

subdivision (4) of this subsection will be deemed a better map than one which has a greater variance from an equal number of proposed districts in which the district partisan index favors each political party in those categories.

(8) If two or more maps are presented that equally meet the criteria set forth in subdivision (7) of this subsection, any map with a greater number of proposed districts in which the district partisan indices are between forty-nine per cent and fifty per cent will be deemed a better map than other such maps.

(9) If two or more maps are presented that equally meet the criteria set forth in subdivision (8) of this subsection, the map that preserves the greatest percentage of undivided municipalities will be deemed a better map than one that preserves fewer undivided municipalities.

(10) If two or more maps are presented that equally meet the criteria set forth in subdivision (9) of this subsection, the map with the lowest compactness index will be deemed a better map than others with a higher compactness index. For the purpose of this division, the compactness index will be calculated by averaging the compactness of all proposed districts in the map. The compactness of each proposed district shall be determined by dividing the area of the proposed district by its perimeter.

(11) If two or more maps are presented that equally meet the criteria set forth in subdivision (10) of this subsection, the apportionment board shall randomly select the map to be adopted from among those maps which equally meet the criteria set forth in that division.

(12) Any map adopted by the apportionment board shall comply with all applicable federal constitutional provisions and all applicable federal statutory provisions, including, but not limited to, those dealing specifically with the protection of minority voting rights.

(13) In calculating any of the percentages or indices in this article, all calculations shall be made to within one one thousandth of one percent.

[Section 2. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one

nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.

Each district shall be composed of contiguous territory as compact as may be.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers

56 and the boundaries of the districts together with a map of the districts, and no
57 statement shall be valid unless approved by at least seven-tenths of the members.

58 After the statement is filed members of the house of representatives shall
59 be elected according to such districts until a reapportionment is made as herein
60 provided, except that if the statement is not filed within six months of the time
61 fixed for the appointment of the commission, it shall stand discharged and the
62 house of representatives shall be apportioned by a commission of six members
63 appointed from among the judges of the appellate courts of the state of Missouri
64 by the state supreme court, a majority of whom shall sign and file its
65 apportionment plan and map with the secretary of state within ninety days of the
66 date of the discharge of the apportionment commission. Thereafter members of
67 the house of representatives shall be elected according to such districts until a
68 reapportionment is made as herein provided.

69 Each member of the commission shall receive as compensation fifteen
70 dollars a day for each day the commission is in session but not more than one
71 thousand dollars, and, in addition, shall be reimbursed for his actual and
72 necessary expenses incurred while serving as a member of the commission.

73 No reapportionment shall be subject to the referendum.]
74

2 [Section 5. The senate shall consist of thirty-four members elected by the
3 qualified voters of the respective districts for four years. For the election of
4 senators, the state shall be divided into convenient districts of contiguous
5 territory, as compact and nearly equal in population as may be.]

2 [Section 7. Within sixty days after the population of this state is reported
3 to the President for each decennial census of the United States, and within sixty
4 days after notification by the governor that a reapportionment has been
5 invalidated by a court of competent jurisdiction, the state committee of each of
6 the two political parties casting the highest vote for governor at the last preceding
7 election shall, at a committee meeting duly called, select by a vote of the
8 individual committee members, and thereafter submit to the governor a list of ten
9 persons, and within thirty days thereafter the governor shall appoint a
10 commission of ten members, five from each list, to reapportion the thirty-four
11 senatorial districts and to establish the numbers and boundaries of said districts.

12 If either of the party committees fails to submit a list within such time the
13 governor shall appoint five members of his own choice from the party of the
14 committee so failing to act.

15 Members of the commission shall be disqualified from holding office as
16 members of the general assembly for four years following the date of the filing
17 by the commission of its final statement of apportionment.

18 The commissioners so selected shall on the fifteenth day, excluding
19 Sundays and holidays, after all members have been selected, meet in the capitol
building and proceed to organize by electing from their number a chairman, vice

chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the senatorial districts by dividing the population of the state by the number thirty-four and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure; no county lines shall be crossed except when necessary to add sufficient population to a multi-district county or city to complete only one district which lies partly within such multi-district county or city so as to be as nearly equal as practicable in population. Any county with a population in excess of the quotient obtained by dividing the population of the state by the number thirty-four is hereby declared to be a multi-district county.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven members.

After the statement is filed senators shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the senate shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter senators shall be elected according to such districts until a reapportionment is made as herein provided.

Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session, but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.]

[Section 9. Until the convening of the Seventy-fourth General Assembly the House of Representatives shall consist of one hundred sixty-three members elected from the one hundred sixty-three representative districts, as they existed January 1, 1965.]

2 [Section 10. The last decennial census of the United States shall be used
3 in apportioning representatives and determining the population of senatorial and
4 representative districts. Such districts may be altered from time to time as public
5 convenience may require.]

2 [Section 45. When the number of representatives to which the state is
3 entitled in the House of the Congress of the United States under the census of
4 1950 and each census thereafter is certified to the governor, the general assembly
5 shall by law divide the state into districts corresponding with the number of
6 representatives to which it is entitled, which districts shall be composed of
contiguous territory as compact and as nearly equal in population as may be.]

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